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SENATE BILL 2623
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 17, relative to motor vehicle sales licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-17-102, is amended by adding the following language as a new subdivision (4) and renumbering the subsequent subdivisions accordingly:

(4) "Certificate of compliance" means an official certification that a motor vehicle has passed an emissions test as required by federal law, general law or rules of the Tennessee air pollution control board;

SECTION 2. Tennessee Code Annotated, Section 55-17-102, is amended by adding the following language as a new subdivision (8) and renumbering the subsequent subdivisions accordingly:

(8) "Emissions test" means the test required to determine a motor vehicle's compliance with national ambient air quality standards as required by federal law, general law or rules of the Tennessee air pollution control board as a prerequisite to the issuance of a motor vehicle registration;

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 17, Part 1 is amended by adding the following language as a new, appropriately designated section:

55-17-____.

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(a) A motor vehicle dealer who sells motor vehicles in a county which requires an emissions test for motor vehicle registration shall not, in the ordinary course of business, sell in such county, a motor vehicle which is designated to submit to an emissions test by federal law, general law or rules of the Tennessee air pollution control board unless a certificate of compliance is issued after the dealer takes possession of the motor vehicle for resale, certifying that such motor vehicle passed the emissions test for the year in which the motor vehicle is sold.

(b) This section shall not apply if the purchaser of the motor vehicle acknowledges in writing that the purchaser has been informed a current certificate of compliance has not been issued for the motor vehicle being purchased and the purchaser agrees in writing to purchase such motor vehicle without a current certificate of compliance.

(c) A violation of this section shall be grounds for the denial, revocation or suspension of a motor vehicle sales license and shall subject the violator to the civil and criminal penalties provided for in Section 55-17-117.

SECTION 4. Tennessee Code Annotated, Section 55-17-114(a), is amended by adding the following language as a new subdivision (7) and renumbering the subsequent subdivisions accordingly:

(7) The applicant or license holder has sold a motor vehicle without a current certificate of compliance for an emissions test in violation of Section 3 of this act;

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.